

# House Study Bill 697

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
ENVIRONMENTAL PROTECTION  
BILL BY CHAIRPERSON OLSON)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act requiring public notification of any emergency bypass by a  
2 public sewage or waste disposal facility.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 5114HC 82  
5 jr/rj/24

PAG LIN

1 1 Section 1. Section 455B.173, subsection 3, Code 2007, is  
2 amended to read as follows:  
3 3. Establish, modify, or repeal rules relating to the  
4 location, construction, operation, and maintenance of disposal  
5 systems and public water supply systems and specifying the  
6 conditions, including the viability of a system pursuant to  
7 section 455B.174, under which the director shall issue,  
8 revoke, suspend, modify, or deny permits for the operation,  
9 installation, construction, addition to, or modification of  
10 any disposal system or public water supply system, or for the  
11 discharge of any pollutant.  
12 a. The rules specifying the conditions under which the  
13 director shall issue permits for the construction of an  
14 electric power generating facility subject to chapter 476A  
15 shall provide for issuing a conditional permit upon the  
16 submission of engineering descriptions, flow diagrams and  
17 schematics that qualitatively and quantitatively identify  
18 effluent streams and alternative disposal systems that will  
19 provide compliance with effluent standards or limitations.  
20 b. No rules shall be adopted which regulate the hiring or  
21 firing of operators of disposal systems or public water supply  
22 systems except rules which regulate the certification of  
23 operators as to their technical competency.  
24 c. A publicly owned treatment works whose discharge meets  
25 the final effluent limitations which were contained in its  
26 discharge permit on the date that construction of the publicly  
27 owned treatment works was approved by the department shall not  
28 be required to meet more stringent effluent limitations for a  
29 period of ten years from the date the construction was  
30 completed and accepted but not longer than twelve years from  
31 the date that construction was approved by the department.  
32 d. Rules adopted pursuant to this subsection shall include  
33 a public notification procedure requiring that a publicly  
34 owned treatment works provide public notice of any emergency  
35 bypass of the treatment works. The procedure shall specify  
2 1 the method and frequency of the notification, which at a  
2 2 minimum shall include publication in a newspaper of general  
2 3 circulation in the area affected by the bypass. The rules  
2 4 shall also specify the form and content of the notification  
2 5 which shall include all of the following:  
2 6 (1) A description of event or problem that caused the  
2 7 bypass.  
2 8 (2) Identification of any contaminants released, the  
2 9 volume of the release, any health hazards associated with the  
2 10 release, the nature of any threat to public health posed by  
2 11 these contaminants, and how the affected public may minimize  
2 12 that threat.  
2 13 (3) Information concerning efforts to stop the release and  
2 14 a time frame for the completion of those efforts.  
2 15 EXPLANATION  
2 16 This bill requires the environmental protection commission  
2 17 to create, by rule, a procedure requiring a publicly owned  
2 18 treatment works to provide public notice of any emergency

2 19 bypass of the treatment works. Code section 455B.241,  
2 20 subsection 5, defines treatment works as "any plant, disposal  
2 21 field, lagoon, holding or flow-regulating basin, pumping  
2 22 station, interceptor sewer, or other works installed for the  
2 23 purpose of treating, stabilizing, or disposing of sewage,  
2 24 industrial waste, or other wastes". At a minimum that notice  
2 25 includes publication in a newspaper of general circulation in  
2 26 the area affected by the bypass. The rules shall also specify  
2 27 the form and content of the notification.  
2 28 LSB 5114HC 82  
2 29 jr/rj/24